

UNITED STATES DISTRICT COURT

FILED

for

NOV 29 2007

WESTERN DISTRICT OF TEXAS

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY CLERK

Request for Modifying the Conditions or Term of Supervision with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Ralph Douglas Vurgich Case Number: SA-02-CR-255-(1)-OG

Name of Sentencing Judicial Officer: Honorable Orlando L. Garcia, United States District Judge

Date of Original Sentence: October 9, 2003

Original Offense: Use of an interstate facility to induce a minor to engage in a sexual act, in violation of 18 U.S.C. § 2422(b)

Original Sentence: 57 months imprisonment; 3 years supervised release; \$100.00 special assessment;
sex offender treatment & sex offender conditions

Type of Supervision: Supervised Release Date Supervision Commenced: November 7, 2006

PETITIONING THE COURT

- ☐ To extend the term of supervision _____ years, for a total term of _____ years.
☒ To modify the conditions of supervision as follows:

"The defendant shall participate in the Home Confinement Program for a term not to exceed 120 days, which will include remote location monitoring using Global Positioning Satellite (GPS) tracking. During this time you will remain at your place of residence except for employment and other activities approved in advance by your probation officer. You will maintain a telephone at your place of residence without "call forwarding," "call waiting," "call back/call block," a modem or a portable cordless telephone for the above period. At the direction of the probation officer, you shall wear a transmitter and be required to carry a tracking device. The defendant will not be within 2000 feet of the residence of Ms. Darlene Papa. The Court further orders that the defendant shall pay for the costs of home confinement, as directed by the probation officer."

"The defendant shall not associate or have any contact with Mrs. Darlene Papa."

CAUSE

Case History

On June 28, 2007, Mr. Vurgich advised that Mrs. Papa and her 15 month old child arrived at his home unannounced. He was instructed to not have contact with any minor and said he told her he could not be around children. Mr. Vurgich was verbally reprimanded and told he cannot have any association/contact with a minor under the age of 18.

On July 3, 2007, Mr. Vurgich was instructed to not have contact/association with Mrs. Darlene Papa due to her criminal record and allowing her 15 month old child to have contact with him.

Current Violations

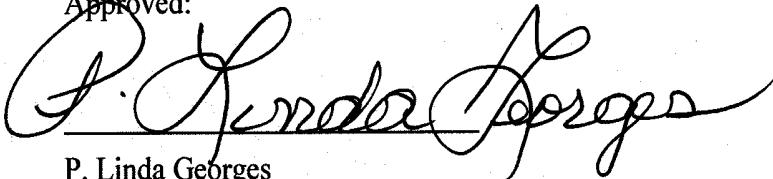
Mr. Vurgich falsified his Monthly Supervision Report Forms by reporting that he was residing alone at his residence. Mr. Vurgich finally admitted on November 1, 2007, that Mrs. Papa was residing four to five times a week at his residence. Additionally, Mr. Vurgich failed to follow the instructions of the probation office by having contact with Mrs. Papa who has a criminal record. Mr. Vurgich further related he was untruthful as he feared revocation of supervised release.

U.S. Probation Recommendation

The United States Probation Office respectfully recommends Mr. Vurgich's conditions be modified to include the Home Confinement Program which will include remote location monitoring using the Global Positioning Satellite System and to not associated or have contact with Mrs. Darlene Papa.. On November 21, 2007, Mr. Vurgich signed Probation Form 49, waiving his right to a hearing before the Court and assistance of counsel.

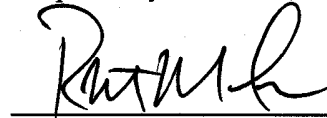
Assistant U.S. Attorney, Michael Hardy, concurs

Approved:



P. Linda Georges
Supervising U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 313

Respectfully submitted,



Robert Morales
U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 379
Date: November 27, 2007

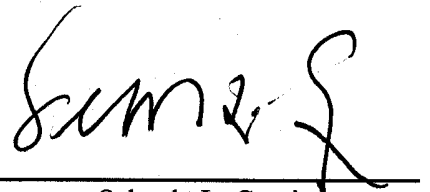
rm

cc: Michael Hardy
Assistant U.S. Attorney

Victor Casillas
Assistant Deputy Chief Probation Officer

THE COURT ORDERS:

- ☐ No action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above.
- ☐ Other



Orlando L. Garcia
U.S. District Judge

11.28.07

Date

UNITED STATES DISTRICT COURT
Western District of Texas

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Terms of Supervision**

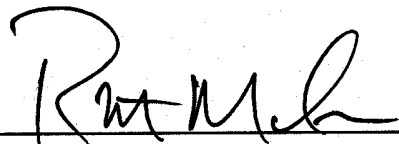
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

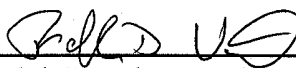
"The defendant shall participate in the Home Confinement Program for a term not to exceed 120 days, which will include remote location monitoring using Global Positioning Satellite (GPS) tracking. During this time you will remain at your place of residence except for employment and other activities approved in advance by your probation officer. You will maintain a telephone at your place of residence without "call forwarding," "call waiting," "call back/call block," a modem or a portable cordless telephone for the above period. At the direction of the probation officer, you shall wear a transmitter and be required to carry a tracking device. The defendant will not be within 2000 feet of the residence of Ms. Darlene Papa. The Court further orders that the defendant shall pay for the costs of home confinement, as directed by the probation officer."

"The defendant shall not associate or have any contact with Mrs. Darlene Papa."

Witness:


Robert Morales
U.S. Probation Officer

Signed:


Ralph Douglas Vurgich

11/21/07

Date